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Chief Clerk of the House

FILED MAR 10 2005

H.J.R. No. 80

By: Ulrich Kinner

A JOINT RESOLUTION

1 proposing a constitutional amendment clarifying that certain
2 economic development programs do not constitute a debt.

3 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

4 SECTION 1. Section 52-a, Article III, Texas Constitution,
5 is amended to read as follows:

6 Sec. 52-a. Notwithstanding any other provision of this
7 constitution, the legislature may provide for the creation of
8 programs and the making of loans and grants of public money, other
9 than money otherwise dedicated by this constitution to use for a
10 different purpose, for the public purposes of development and
11 diversification of the economy of the state, the elimination of
12 unemployment or underemployment in the state, the stimulation of
13 agricultural innovation, the fostering of the growth of enterprises
14 based on agriculture, or the development or expansion of
15 transportation or commerce in the state. Any bonds or other
16 obligations of a county, municipality, or other political
17 subdivision of the state that are issued for the purpose of making
18 loans or grants in connection with a program authorized by the
19 legislature under this section and that are payable from ad valorem
20 taxes must be approved by a vote of the majority of the registered
21 voters of the county, municipality, or political subdivision voting
22 on the issue. A program created or a loan or grant made as provided
23 by this section does not constitute or create a debt for the purpose
24 of any provision of this constitution or other law that prohibits

1 the state or a political subdivision of the state from incurring
2 debt or otherwise limits the ability of the state or a political
3 subdivision of the state to incur debt. An enabling law enacted by
4 the legislature in anticipation of the adoption of this amendment
5 is not void because of its anticipatory character.

6 SECTION 2. This proposed constitutional amendment shall be
7 submitted to the voters at an election to be held November 8, 2005.
8 The ballot shall be printed to permit voting for or against the
9 proposition: "The constitutional amendment clarifying that
10 certain economic development programs do not constitute a debt."

HOUSE
COMMITTEE REPORT
1st Printing

05 APR 14 AM 8:26
HOUSE OF REPRESENTATIVES

By: Krusee

H.J.R. No. 80

A JOINT RESOLUTION

1 proposing a constitutional amendment clarifying that certain
2 economic development programs do not constitute a debt.

3 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

4 SECTION 1. Section 52-a, Article III, Texas Constitution,
5 is amended to read as follows:

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7 constitution, the legislature may provide for the creation of
8 programs and the making of loans and grants of public money, other
9 than money otherwise dedicated by this constitution to use for a
10 different purpose, for the public purposes of development and
11 diversification of the economy of the state, the elimination of
12 unemployment or underemployment in the state, the stimulation of
13 agricultural innovation, the fostering of the growth of enterprises
14 based on agriculture, or the development or expansion of
15 transportation or commerce in the state. Any bonds or other
16 obligations of a county, municipality, or other political
17 subdivision of the state that are issued for the purpose of making
18 loans or grants in connection with a program authorized by the
19 legislature under this section and that are payable from ad valorem
20 taxes must be approved by a vote of the majority of the registered
21 voters of the county, municipality, or political subdivision voting
22 on the issue. A program created or a loan or grant made as provided
23 by this section does not constitute or create a debt for the purpose
24 of any provision of this constitution or other law that prohibits

1 the state or a political subdivision of the state from incurring
2 debt or otherwise limits the ability of the state or a political
3 subdivision of the state to incur debt. An enabling law enacted by
4 the legislature in anticipation of the adoption of this amendment
5 is not void because of its anticipatory character.

6 SECTION 2. This proposed constitutional amendment shall be
7 submitted to the voters at an election to be held November 8, 2005.
8 The ballot shall be printed to permit voting for or against the
9 proposition: "The constitutional amendment clarifying that
10 certain economic development programs do not constitute a debt."

COMMITTEE REPORT

The Honorable Tom Craddick
Speaker of the House of Representatives

4/5/05
(date)

Sir:

We, your COMMITTEE ON ECONOMIC DEVELOPMENT

to whom was referred HJR 80 have had the same under consideration and beg to report back with the recommendation that it

- (☒) do pass, without amendment.
- (☐) do pass, with amendment(s).
- (☐) do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.
- (☒) yes (☐) no A fiscal note was requested.
- (☐) yes (☒) no A criminal justice policy impact statement was requested.
- (☐) yes (☒) no An equalized educational funding impact statement was requested.
- (☐) yes (☒) no An actuarial analysis was requested.
- (☐) yes (☒) no A water development policy impact statement was requested.
- (☐) yes (☒) no A tax equity note was requested.
- (☐) The Committee recommends that this measure be sent to the Committee on Local and Consent Calendars.

For Senate Measures: House Sponsor _____

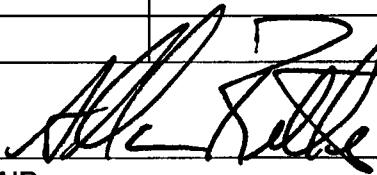
Joint Sponsors: _____ / _____ / _____

Co-Sponsors: _____

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Ritter, Chair				<input checked="" type="checkbox"/>
Cook, Vice-chair	<input checked="" type="checkbox"/>			
Anchia		<input checked="" type="checkbox"/>		
Deshotel	<input checked="" type="checkbox"/>			
Kolkhorst	<input checked="" type="checkbox"/>			
McCall	<input checked="" type="checkbox"/>			
Seaman				<input checked="" type="checkbox"/>

Total 4 aye
 1 nay
 0 present, not voting
 2 absent


CHAIR

BILL ANALYSIS

H.J.R. 80
By: Krusee
Economic Development
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Article III, Section 52-a of the Texas Constitution grants the legislature authority to create statutory programs for economic development, including grants and loans. The section also provides that such programs serve a public purpose, overturning previous court decisions that held that economic development was unconstitutional. Chapter 380 of the Local Government Code was enacted to implement the constitutional amendment.

Numerous Texas cities have relied on Chapter 380 to make long-term grants and loans of public funds to create jobs. A recent trial court case, however, has held that a grant program lasting longer than one year results in an unconstitutional debt in violation of Article 11, Section 5 of the Texas Constitution. That constitutional section, along with the cases interpreting it, requires that certain obligations of municipal funds extending longer than one year are a debt, and therefore require an interest and sinking fund-based method of financing, such as bonds or certificates of obligation.

Such a finding renders Chapter 380 virtually unusable, as the only prudent way to grant public funds for economic development is to do so long-term, such that the performance of corporate grantees can be closely monitored and the public's funds thereby protected. It is unlikely that the legislature or the voters, when enacting Article III, Section 52-a, considered economic development programs to be a constitutional debt.

HJR 80 states that programs, loans and grants made pursuant to Art. III, Section 52-a are not a debt for any purpose under the constitution or other law, except to the extent that bonds or other debt obligations are issued for the purpose of making the grant.

RULEMAKING AUTHORITY

It is the committee's opinion that this resolution does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

SECTION 1. Amends Section Article III, Section 52-a, Texas Constitution, to read as follows:

Section 52-a provides that programs, loans, and grants made pursuant to the section do not in themselves constitute a debt for any purpose under the constitution or other law, except to the extent that bonds or other debt obligations are issued for the purpose of making the loan or grant.

SECTION 2. Provides that the proposed amendment shall be submitted to the voters at an election to be held on November 8, 2005, and provides ballot language for the election.

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2005.

SUMMARY OF COMMITTEE ACTION

HJR 80

March 29, 2005 upon final adjourn./recess

Considered in public hearing
Testimony taken in committee (See attached witness list.)
Left pending in committee

April 5, 2005 upon final adjourn./recess

Considered in public hearing
Other
 Called up as pending business
Reported favorably without amendment(s)

WITNESS LIST

HJR 80
HOUSE COMMITTEE REPORT
Economic Development Committee

March 29, 2005 - upon final adjourn./recess

For: Aghamalian, Brandon (City of Fort Worth)
Converse, Jerry (Greater Austin Chamber of Commerce)
Hentges, Sandra (Greater Austin Chamber of Commerce)
Sandlin, Bennett (Texas Municipal League)
Sheets, Steve (City of Round Rock)

Against: Bunch, Bill (Greater Edwards Aquifer Alliance)
Rodgers, Brian (Self and Real Estate Investment)

Registering, but not testifying:

For: Keleher, Timothy (Fort Worth Chamber of Commerce)
Kelley, Russell (Dell Computer)
Richie, Carl (Greater Austin Chamber of Commerce)

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

March 28, 2005

TO: Honorable Allan Ritter, Chair, House Committee on Economic Development

FROM: John S. O'Brien, Deputy Director, Legislative Budget Board

IN RE: HJR80 by Krusee (Proposing a constitutional amendment clarifying that certain economic development programs do not constitute a debt.), **As Introduced**

No fiscal implication to the State is anticipated.

HJR 80 amends Section 52-a, Article III of the Texas Constitution to clarify that programs, loans, or grants made for the purposes of economic development or the development or expansion of transportation or commerce do not constitute debt for any purpose of any constitutional provision or other law that prohibits the state or a political subdivision from incurring debt.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 347 Public Finance Authority, 352 Bond Review Board, 601 Department of Transportation

LBB Staff: JOB, JRO, MS, SMi

LIST OF HOUSE AMENDMENTS CONSIDERED TODAY
HJR80-Second Reading

<u>AMENDMENT#</u>	<u>AUTHOR</u>	<u>DESCRIPTION</u>	<u>ACTION</u>
1	Krusee	Amendment	Adopted



FLOOR AMENDMENT NO. 1

BY: Kuise

- 1 Amend H.J.R. 80 as follows:
- 2 (1) On page 2, line 1, strike "the state or".
- 3 (2) On page 2, line 2, strike "the state or".

ADOPTED

MAY 04 2005

Rob...
Chief Clerk
House of Representatives

F

HOUSE ENGROSSMENT

By: Krusee

H.J.R. No. 80

A JOINT RESOLUTION

1 proposing a constitutional amendment clarifying that certain
2 economic development programs do not constitute a debt.

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9 than money otherwise dedicated by this constitution to use for a
10 different purpose, for the public purposes of development and
11 diversification of the economy of the state, the elimination of
12 unemployment or underemployment in the state, the stimulation of
13 agricultural innovation, the fostering of the growth of enterprises
14 based on agriculture, or the development or expansion of
15 transportation or commerce in the state. Any bonds or other
16 obligations of a county, municipality, or other political
17 subdivision of the state that are issued for the purpose of making
18 loans or grants in connection with a program authorized by the
19 legislature under this section and that are payable from ad valorem
20 taxes must be approved by a vote of the majority of the registered
21 voters of the county, municipality, or political subdivision voting
22 on the issue. A program created or a loan or grant made as provided
23 by this section does not constitute or create a debt for the purpose
24 of any provision of this constitution or other law that prohibits a

1 political subdivision of the state from incurring debt or otherwise
2 limits the ability of a political subdivision of the state to incur
3 debt. An enabling law enacted by the legislature in anticipation of
4 the adoption of this amendment is not void because of its
5 anticipatory character.

6 SECTION 2. This proposed constitutional amendment shall be
7 submitted to the voters at an election to be held November 8, 2005.
8 The ballot shall be printed to permit voting for or against the
9 proposition: "The constitutional amendment clarifying that
10 certain economic development programs do not constitute a debt."

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

March 28, 2005

TO: Honorable Allan Ritter, Chair, House Committee on Economic Development

FROM: John S. O'Brien, Deputy Director, Legislative Budget Board

IN RE: HJR80 by Krusee (Proposing a constitutional amendment clarifying that certain economic development programs do not constitute a debt.), **As Introduced**

No fiscal implication to the State is anticipated.

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Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 347 Public Finance Authority, 352 Bond Review Board, 601 Department of Transportation

LBB Staff: JOB, JRO, MS, SMi

1-1 By: Krusee (Senate Sponsor - Ogden) H.J.R. No. 80
1-2 (In the Senate - Received from the House May 5, 2005;
1-3 May 8, 2005, read first time and referred to Subcommittee on
1-4 Emerging Technologies and Economic Development; May 19, 2005,
1-5 reported favorably to Committee on Business and Commerce;
1-6 May 21, 2005, reported favorably from Committee on Business and
1-7 Commerce by the following vote: Yeas 6, Nays 0; May 21, 2005, sent
1-8 to printer.)

1-9 HOUSE JOINT RESOLUTION

1-10 proposing a constitutional amendment clarifying that certain
1-11 economic development programs do not constitute a debt.

1-12 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Section 52-a, Article III, Texas Constitution,
1-14 is amended to read as follows:

1-15 Sec. 52-a. Notwithstanding any other provision of this
1-16 constitution, the legislature may provide for the creation of
1-17 programs and the making of loans and grants of public money, other
1-18 than money otherwise dedicated by this constitution to use for a
1-19 different purpose, for the public purposes of development and
1-20 diversification of the economy of the state, the elimination of
1-21 unemployment or underemployment in the state, the stimulation of
1-22 agricultural innovation, the fostering of the growth of enterprises
1-23 based on agriculture, or the development or expansion of
1-24 transportation or commerce in the state. Any bonds or other
1-25 obligations of a county, municipality, or other political
1-26 subdivision of the state that are issued for the purpose of making
1-27 loans or grants in connection with a program authorized by the
1-28 legislature under this section and that are payable from ad valorem
1-29 taxes must be approved by a vote of the majority of the registered
1-30 voters of the county, municipality, or political subdivision voting
1-31 on the issue. A program created or a loan or grant made as provided
1-32 by this section does not constitute or create a debt for the purpose
1-33 of any provision of this constitution or other law that prohibits a
1-34 political subdivision of the state from incurring debt or otherwise
1-35 limits the ability of a political subdivision of the state to incur
1-36 debt. An enabling law enacted by the legislature in anticipation of
1-37 the adoption of this amendment is not void because of its
1-38 anticipatory character.

1-39 SECTION 2. This proposed constitutional amendment shall be
1-40 submitted to the voters at an election to be held November 8, 2005.
1-41 The ballot shall be printed to permit voting for or against the
1-42 proposition: "The constitutional amendment clarifying that
1-43 certain economic development programs do not constitute a debt."

1-44 * * * * *

FAVORABLE
SENATE COMMITTEE REPORT ON

SB SCR SJR SR HB HCR HJR 80

By Krusee/ogden
(Author/Senate Sponsor)

5/24/05
(date)

We, your Committee on BUSINESS AND COMMERCE, to which was referred the attached measure,
have on 5/20/05, had the same under consideration and I am instructed to report it
(date of hearing)
back with the recommendation (s) that it:

☒ do pass and be printed

☐ do pass and be ordered not printed

☒ and is recommended for placement on the Local and Uncontested Bills Calendar.

A fiscal note was requested. ☒ yes ☐ no

A revised fiscal note was requested. ☐ yes ☒ no

An actuarial analysis was requested. ☐ yes ☒ no

Considered by subcommittee. ☒ yes ☐ no

The measure was reported from Committee by the following vote:

	YEA	NAY	ABSENT	PNV
Senator Troy Fraser, Chairman	<input checked="" type="checkbox"/>			
Senator Kip Averitt, Vice-Chairman			<input checked="" type="checkbox"/>	
Senator Ken Armbrister	<input checked="" type="checkbox"/>			
Senator Kim Brimer			<input checked="" type="checkbox"/>	
Senator John Carona	<input checked="" type="checkbox"/>			
Senator Kevin Eltife	<input checked="" type="checkbox"/>			
Senator Craig Estes	<input checked="" type="checkbox"/>			
Senator Eddie Lucio	<input checked="" type="checkbox"/>			
Senator Leticia Van de Putte			<input checked="" type="checkbox"/>	
TOTAL VOTES	<u>6</u>		<u>3</u>	

COMMITTEE ACTION

S260 Considered in public hearing
S270 Testimony taken

Committee Clerk

Chairman

WITNESS LIST

HJR 80

SENATE COMMITTEE REPORT

S/C on Emerging Technologies & Economic Dev.

May 18, 2005 - 1:30PM

Registering, but not testifying:

For: Maxwell, Nyle Mayor (City of Round Rock), Round Rock, TX

BILL ANALYSIS

Senate Research Center

H.J.R. 80
By: Krusee (Ogden)
S/C on Emerging Technologies & Economic Dev.
5/18/2005
Engrossed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Article III, Section 52-a, of the Texas Constitution grants the legislature authority to create statutory programs for economic development, including grants and loans. Chapter 380 of the Local Government Code was enacted to implement the constitutional amendment.

Recently, a state district court held that agreements between cities and businesses under Chapter 380, Local Government Code, which exceed one year in term are unconstitutional. Such a finding renders Chapter 380 virtually unusable, as the only prudent way to grant public funds for economic development is to do so long-term, such that the performance of corporate grantees can be closely monitored and the public funds thereby protected.

H.J.R. 80 proposes a constitutional amendment to clarify that certain economic development agreements exceeding one year between two cities and businesses under Chapter 380, Local Government Code, are not unconstitutional debts.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 52-a, Article III, Texas Constitution, as follows:

Sec. 52-a. Adds provision that a program created or a loan or grant made as provided by this section does not constitute or create a debt for the purpose of any provision of this constitution or other law that prohibits a political subdivision of the state from incurring debt or otherwise limits the ability of a political subdivision of the state to incur debt.

SECTION 2. Requires this proposed constitutional amendment to be submitted to the voters at an election to be held November 8, 2005. Requires the ballot to be printed to permit voting for or against the proposition: "The constitutional amendment clarifying that certain economic development programs do not constitute debt."

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

May 17, 2005

TO: Honorable John Carona, Chair, Senate Committee on S/C on Emerging Technologies & Economic Dev.

FROM: John S. O'Brien, Deputy Director, Legislative Budget Board

IN RE: HJR80 by Krusee (Proposing a constitutional amendment clarifying that certain economic development programs do not constitute a debt.), **As Engrossed**

No significant fiscal implication to the State is anticipated, other than the cost of publication.

The cost to the state for publication of the resolution is \$66,497.

HJR 80 amends Section 52-a, Article III of the Texas Constitution to clarify that programs, loans, or grants made for the purposes of economic development or the development or expansion of transportation or commerce do not constitute debt for any purpose of any constitutional provision or other law that prohibits a political subdivision from incurring debt.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JOB, JRO, SMi

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

March 28, 2005

TO: Honorable Allan Ritter, Chair, House Committee on Economic Development

FROM: John S. O'Brien, Deputy Director, Legislative Budget Board

IN RE: HJR80 by Krusee (Proposing a constitutional amendment clarifying that certain economic development programs do not constitute a debt.), **As Introduced**

No fiscal implication to the State is anticipated.

HJR 80 amends Section 52-a, Article III of the Texas Constitution to clarify that programs, loans, or grants made for the purposes of economic development or the development or expansion of transportation or commerce do not constitute debt for any purpose of any constitutional provision or other law that prohibits the state or a political subdivision from incurring debt.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 347 Public Finance Authority, 352 Bond Review Board, 601 Department of Transportation

LBB Staff: JOB, JRO, MS, SMi


REQUEST FOR LOCAL & UNCONTESTED CALENDAR PLACEMENT

SENATOR CHRIS HARRIS, CHAIRMAN
SENATE COMMITTEE ON ADMINISTRATION

Notice is hereby given that H.J.R. 80, by Kruee/Ogden,
(Bill No.) (Author/Sponsor)

was heard by the Committee on Business and Commerce on 5/20/05,
2005,

and reported out with the recommendation that it be placed on the Local and Uncontested Calendar.


(Clerk of the reporting committee)

IMPORTANT: A COPY OF THIS FORM MUST BE ATTACHED TO A COMMITTEE PRINTED VERSION OF THE BILL OR RESOLUTION AND SHOULD BE DELIVERED TO THE ADMINISTRATION COMMITTEE OFFICE, E1.714. DEADLINES FOR SUBMITTING BILLS AND RESOLUTIONS WILL BE ANNOUNCED ON A REGULAR BASIS.

ADOPTED

FLOOR AMENDMENT NO. 2

MAY 24 2005

BY: Ogil

Leta Spaw
Secretary of the Senate

1 Amend H.J.R. No. 80 by striking all below the resolving
2 clause and substituting the following:

3 SECTION 1. Section 52-a, Article III, Texas Constitution,
4 is amended to read as follows:

5 Sec. 52-a. Notwithstanding any other provision of this
6 constitution, the legislature may provide for the creation of
7 programs and the making of loans and grants of public money,
8 other than money otherwise dedicated by this constitution to use
9 for a different purpose, for the public purposes of development
10 and diversification of the economy of the state, the elimination
11 of unemployment or underemployment in the state, the stimulation
12 of agricultural innovation, the fostering of the growth of
13 enterprises based on agriculture, or the development or
14 expansion of transportation or commerce in the state. Any bonds
15 or other obligations of a county, municipality, or other
16 political subdivision of the state that are issued for the
17 purpose of making loans or grants in connection with a program
18 authorized by the legislature under this section and that are
19 payable from ad valorem taxes must be approved by a vote of the
20 majority of the registered voters of the county, municipality,
21 or political subdivision voting on the issue. A program created
22 or a loan or grant made as provided by this section that is not
23 financed by the issuance of any bonds or other obligations of
24 the political subdivision does not constitute or create a debt
25 for the purpose of any provision of this constitution. An
26 enabling law enacted by the legislature in anticipation of the
27 adoption of this amendment is not void because of its
28 anticipatory character.

29 SECTION 2. This proposed constitutional amendment shall be

1 submitted to the voters at an election to be held November 8,
2 2005. The ballot shall be printed to permit voting for or
3 against the proposition: "The constitutional amendment
4 clarifying that certain economic development programs do not
5 constitute a debt."

6 * * * * *

7

SENATE AMENDMENTS

2nd Printing

05 MAY 24 AM 1:18

HOUSE OF REPRESENTATIVES

By: Krusee

H.J.R. No. 80

A JOINT RESOLUTION

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2 economic development programs do not constitute a debt.

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15 transportation or commerce in the state. Any bonds or other
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17 subdivision of the state that are issued for the purpose of making
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21 voters of the county, municipality, or political subdivision voting
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24 of any provision of this constitution or other law that prohibits a

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4 the adoption of this amendment is not void because of its
5 anticipatory character.

6 SECTION 2. This proposed constitutional amendment shall be
7 submitted to the voters at an election to be held November 8, 2005.
8 The ballot shall be printed to permit voting for or against the
9 proposition: "The constitutional amendment clarifying that
10 certain economic development programs do not constitute a debt."

ADOPTED

FLOOR AMENDMENT NO. 2

MAY 24 2005

BY:

Atay Spaw
Secretary of the Senate

Ogil

1 Amend H.J.R. No. 80 by striking all below the resolving
2 clause and substituting the following:

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4 is amended to read as follows:

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14 expansion of transportation or commerce in the state. Any bonds
15 or other obligations of a county, municipality, or other
16 political subdivision of the state that are issued for the
17 purpose of making loans or grants in connection with a program
18 authorized by the legislature under this section and that are
19 payable from ad valorem taxes must be approved by a vote of the
20 majority of the registered voters of the county, municipality,
21 or political subdivision voting on the issue. A program created
22 or a loan or grant made as provided by this section that is not
23 financed by the issuance of any bonds or other obligations of
24 the political subdivision does not constitute or create a debt
25 for the purpose of any provision of this constitution. An
26 enabling law enacted by the legislature in anticipation of the
27 adoption of this amendment is not void because of its
28 anticipatory character.

29 SECTION 2. This proposed constitutional amendment shall be

1 submitted to the voters at an election to be held November 8,
2 2005. The ballot shall be printed to permit voting for or
3 against the proposition: "The constitutional amendment
4 clarifying that certain economic development programs do not
5 constitute a debt."

6 * * * * *

7

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

May 17, 2005

TO: Honorable John Carona, Chair, Senate Committee on S/C on Emerging Technologies & Economic Dev.

FROM: John S. O'Brien, Deputy Director, Legislative Budget Board

IN RE: HJR80 by Krusee (Proposing a constitutional amendment clarifying that certain economic development programs do not constitute a debt.), **As Engrossed**

No significant fiscal implication to the State is anticipated, other than the cost of publication.

The cost to the state for publication of the resolution is \$66,497.

HJR 80 amends Section 52-a, Article III of the Texas Constitution to clarify that programs, loans, or grants made for the purposes of economic development or the development or expansion of transportation or commerce do not constitute debt for any purpose of any constitutional provision or other law that prohibits a political subdivision from incurring debt.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JOB, JRO, SMi

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

March 28, 2005

TO: Honorable Allan Ritter, Chair, House Committee on Economic Development

FROM: John S. O'Brien, Deputy Director, Legislative Budget Board

IN RE: HJR80 by Krusee (Proposing a constitutional amendment clarifying that certain economic development programs do not constitute a debt.), **As Introduced**

No fiscal implication to the State is anticipated.

HJR 80 amends Section 52-a, Article III of the Texas Constitution to clarify that programs, loans, or grants made for the purposes of economic development or the development or expansion of transportation or commerce do not constitute debt for any purpose of any constitutional provision or other law that prohibits the state or a political subdivision from incurring debt.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 347 Public Finance Authority, 352 Bond Review Board, 601 Department of Transportation

LBB Staff: JOB, JRO, MS, SMi

CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

May 28, 2005

Date

Honorable David Dewhurst
President of the Senate

Honorable Tom Craddick
Speaker of the House of Representatives

Sirs:

ADOPTED

MAY 28, 2005

Robert Hanes
Chief Clerk
House of Representatives

135 years, 7 days, 1 present, not voting

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on HJR 80 have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Steve Ogden
Sen. Steve Ogden, Chair

John Carona
Sen. John Carona

Craig Estes
Sen. Craig Estes

Frank Madla
Sen. Frank Madla

William
On the part of the Senate
Sen. Tommy Williams

Mike Krusee
Rep. Mike Krusee, Chair

Charlie Geren
Rep. Charlie Geren

Terry Keel
Rep. Terry Keel

Trey Martinez
Rep. Trey Martinez Fisher

Will Hartnett
On the part of the House
Rep. Will Hartnett

Note to Conference Committee Clerk:

Please type the names of the members of the Conference Committee under the lines provided for signature. Those members desiring to sign the report should sign each of the six copies. Attach a copy of the Conference Committee Report and a Section by Section side by side comparison to each of the six reporting forms. The original and two copies are filed in house of origin of the bill, and three copies in the other house.

CONFERENCE COMMITTEE REPORT

H.J.R. No. 80

A JOINT RESOLUTION

1 proposing a constitutional amendment clarifying that certain
2 economic development programs do not constitute a debt.

3 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

4 SECTION 1. Section 52-a, Article III, Texas Constitution,
5 is amended to read as follows:

6 Sec. 52-a. Notwithstanding any other provision of this
7 constitution, the legislature may provide for the creation of
8 programs and the making of loans and grants of public money, other
9 than money otherwise dedicated by this constitution to use for a
10 different purpose, for the public purposes of development and
11 diversification of the economy of the state, the elimination of
12 unemployment or underemployment in the state, the stimulation of
13 agricultural innovation, the fostering of the growth of enterprises
14 based on agriculture, or the development or expansion of
15 transportation or commerce in the state. Any bonds or other
16 obligations of a county, municipality, or other political
17 subdivision of the state that are issued for the purpose of making
18 loans or grants in connection with a program authorized by the
19 legislature under this section and that are payable from ad valorem
20 taxes must be approved by a vote of the majority of the registered
21 voters of the county, municipality, or political subdivision voting
22 on the issue. A program created or a loan or grant made as provided
23 by this section that is not secured by a pledge of ad valorem taxes
24 or financed by the issuance of any bonds or other obligations

1 payable from ad valorem taxes of the political subdivision does not
2 constitute or create a debt for the purpose of any provision of this
3 constitution. An enabling law enacted by the legislature in
4 anticipation of the adoption of this amendment is not void because
5 of its anticipatory character.

6 SECTION 2. This proposed constitutional amendment shall be
7 submitted to the voters at an election to be held November 8, 2005.
8 The ballot shall be printed to permit voting for or against the
9 proposition: "The constitutional amendment clarifying that
10 certain economic development programs do not constitute a debt."

House Joint Resolution 80
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION

SECTION 1. Amends Section 52-a, Article III, Texas Constitution. Clarifies that a program created or a loan or grant made as provided by this section does not constitute or create a debt for the purpose of any provision of this constitution or other law that prohibits a political subdivision of the state from incurring debt or otherwise limits the ability of a political subdivision of the state to incur debt.

SECTION 2. Provides for the proposed constitutional amendment to be submitted to the voters and the wording of the ballot proposition.

SENATE VERSION

SECTION 1. Same as House version, except the provision applies to a program created or a loan or grant made as provided by this section *that is not financed by the issuance of any bonds or other obligations of the political subdivision* and omits the reference to other law that prohibits a political subdivision of the state from incurring debt or otherwise limits the ability of a political subdivision of the state to incur debt.

SECTION 2. Same as House version.

CONFERENCE

SECTION 1. Same as Senate version, except the provision applies to a program created or a loan or grant made as provided by this section that is not *secured by a pledge of ad valorem taxes* or financed by the issuance of any bonds or other obligations of the political subdivision *payable from ad valorem taxes*.

SECTION 2. Same as House version

CONFERENCE COMMITTEE REPORT FORM

RECEIVED
SECRETARY OF SENATE

Austin, Texas

May 28, 2005

5 MAY 28 P5:06

Date

Honorable David Dewhurst
President of the Senate

Honorable Tom Craddick
Speaker of the House of Representatives

ADOPTED

31-0
MAY 29 2005

Atty. Gen.
Secretary of the Senate

Sirs:

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Sen. Craig Estes

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Sen. Frank Madla

William

On the part of the Senate
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Rep. Will Hartnett

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Filed MAY 28 2005 4:15 p.m.

CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

May 28, 2005

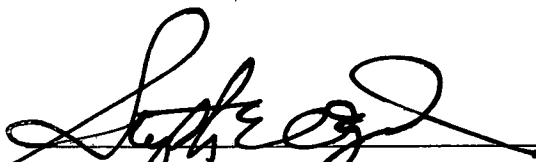
Date

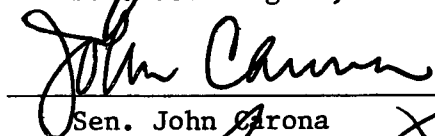
Honorable David Dewhurst
President of the Senate

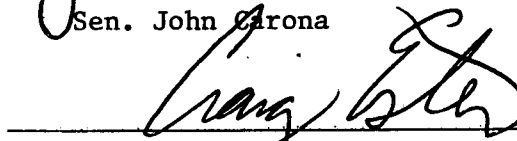
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Speaker of the House of Representatives

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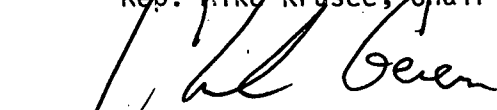

Sen. John Carona



Sen. Craig Estes


Sen. Frank Madla

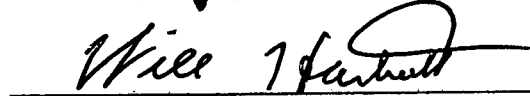

On the part of the Senate
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Rep. Mike Krusee, Chair


Rep. Charlie Geren


Rep. Terry Keel


Rep. Trey Martinez Fisher


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Rep. Will Hartnett

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Filed MAY 28 2005 4:15 p.m.

CONFERENCE COMMITTEE REPORT

H.J.R. No. 80

A JOINT RESOLUTION

1 proposing a constitutional amendment clarifying that certain
2 economic development programs do not constitute a debt.

3 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

4 SECTION 1. Section 52-a, Article III, Texas Constitution,
5 is amended to read as follows:

6 Sec. 52-a. Notwithstanding any other provision of this
7 constitution, the legislature may provide for the creation of
8 programs and the making of loans and grants of public money, other
9 than money otherwise dedicated by this constitution to use for a
10 different purpose, for the public purposes of development and
11 diversification of the economy of the state, the elimination of
12 unemployment or underemployment in the state, the stimulation of
13 agricultural innovation, the fostering of the growth of enterprises
14 based on agriculture, or the development or expansion of
15 transportation or commerce in the state. Any bonds or other
16 obligations of a county, municipality, or other political
17 subdivision of the state that are issued for the purpose of making
18 loans or grants in connection with a program authorized by the
19 legislature under this section and that are payable from ad valorem
20 taxes must be approved by a vote of the majority of the registered
21 voters of the county, municipality, or political subdivision voting
22 on the issue. A program created or a loan or grant made as provided
23 by this section that is not secured by a pledge of ad valorem taxes
24 or financed by the issuance of any bonds or other obligations

1 payable from ad valorem taxes of the political subdivision does not
2 constitute or create a debt for the purpose of any provision of this
3 constitution. An enabling law enacted by the legislature in
4 anticipation of the adoption of this amendment is not void because
5 of its anticipatory character.

6 SECTION 2. This proposed constitutional amendment shall be
7 submitted to the voters at an election to be held November 8, 2005.
8 The ballot shall be printed to permit voting for or against the
9 proposition: "The constitutional amendment clarifying that
10 certain economic development programs do not constitute a debt."

House Joint Resolution 80
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION

SECTION 1. Amends Section 52-a, Article III, Texas Constitution. Clarifies that a program created or a loan or grant made as provided by this section does not constitute or create a debt for the purpose of any provision of this constitution or other law that prohibits a political subdivision of the state from incurring debt or otherwise limits the ability of a political subdivision of the state to incur debt.

SECTION 2. Provides for the proposed constitutional amendment to be submitted to the voters and the wording of the ballot proposition.

SENATE VERSION

SECTION 1. Same as House version, except the provision applies to a program created or a loan or grant made as provided by this section *that is not financed by the issuance of any bonds or other obligations of the political subdivision* and omits the reference to other law that prohibits a political subdivision of the state from incurring debt or otherwise limits the ability of a political subdivision of the state to incur debt.

SECTION 2. Same as House version.

CONFERENCE

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SECTION 2. Same as House version

CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

May 28, 2005

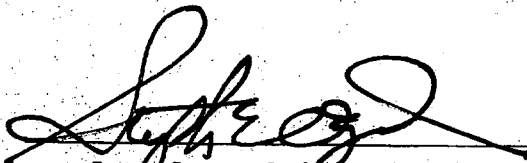
Date

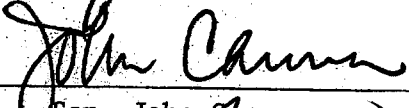
Honorable David Dewhurst
President of the Senate

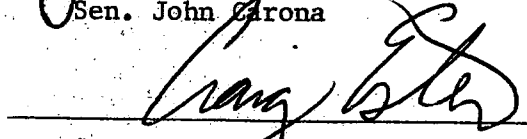
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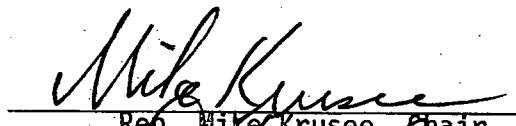

Sen. Steve Ogden, Chair


Sen. John Carona

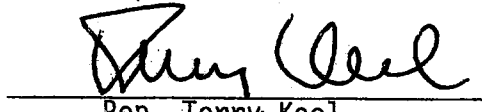

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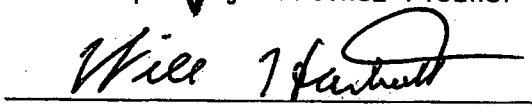

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CONFERENCE COMMITTEE REPORT

3rd Printing

H.J.R. No. 80

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House Joint Resolution 80
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Section-by-Section Analysis

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SECTION 2. Same as House version.

CONFERENCE

SECTION 1. Same as Senate version, except the provision applies to a program created or a loan or grant made as provided by this section that is not *secured by a pledge of ad valorem taxes* or financed by the issuance of any bonds or other obligations of the political subdivision *payable from ad valorem taxes*.

SECTION 2. Same as House version

ENROLLED

H.J.R. No. 80

A JOINT RESOLUTION

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9 proposition: "The constitutional amendment clarifying that
10 certain economic development programs do not constitute a debt."

H.J.R. No. 80

President of the Senate

Speaker of the House

I certify that H.J.R. No. 80 was passed by the House on May 4, 2005, by the following vote: Yeas 121, Nays 12, 1 present, not voting; that the House refused to concur in Senate amendments to H.J.R. No. 80 on May 27, 2005, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.J.R. No. 80 on May 29, 2005, by the following vote: Yeas 135, Nays 7, 1 present, not voting.

Chief Clerk of the House

H.J.R. No. 80

I certify that H.J.R. No. 80 was passed by the Senate, with amendments, on May 24, 2005, by the following vote: Yeas 31, Nays 0; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H.J.R. No. 80 on May 29, 2005, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

RECEIVED: _____

Date

Secretary of State

President of the Senate

Speaker of the House

I certify that H.J.R. No. 80
(1) was passed by the House

on May 4
(2), 2005, by the following vote:

Yeas 121, Nays ~~12~~ 12, 1 present, not voting;
(3) (4)

that the House refused to concur in Senate amendments to H.J.R. No. 80
on May 27
(5), 2005, ~~by the following vote~~

~~Yeas _____, Nays _____~~
(6) (7)

and requested the appointment of a conference committee to consider the
differences between the two houses; and that the House adopted
the conference committee report on H.J.R. No. 80 on

May 29
(8), 2005, by the following vote:

Yeas 135, Nays 7, 1 present, not voting.
(9) (10)

Chief Clerk of the House

**** Preparation: CT21

I certify that H.J.R. No. 80
(1) was passed by the Senate,

with amendments, on May 24
(2), 2005, by the

following vote: Yeas 31, Nays 0;
(3) (4)

at the request of the House, the Senate appointed a conference
committee to consider the differences between the two

houses; and that the Senate adopted the conference committee
report on H.J.R. No. 80 on May 29
(5), 2005,
by the following vote:

Yeas 31, Nays 0.
(6) (7)

Secretary of the Senate

RECEIVED:

Date

Secretary of State

**** Preparation: CT22

H.J.R. No. 80

By Kruse

proposing a constitutional amendment clarifying that certain economic development programs do not constitute a debt

MAR 10 2005 Filed with the Chief Clerk

MAR 14 2005

Read first time and referred to Committee on Economic Development

APR - 5 2005

Reported favorably (~~as amended~~)
(~~as substituted~~)

APR 14 2005

Sent to Committee on Calendars

MAY 04 2005

Read second time (~~as amended~~) (amended) and adopted (~~passed to third reading~~) by a record vote of 121 yeas, 12 nays, 1 present, not voting

Read third time (amended) and finally adopted (failed of adoption) by a record vote of _____ yeas, _____ nays, _____ present, not voting

Engrossed

MAY 05 2005

Sent to Senate

Robert Haney
CHIEF CLERK OF THE HOUSE

OTHER HOUSE ACTION:

MAY 26 2005

Move to reconsider the vote by which the House concurred with Senate Amendments by a record vote of 139 yeas 9 nays 2 present not voting.

MAY 05 2005

Received from the House

MAY 08 2005

Read and referred to Committee on SUBCOMMITTEE ON EMERGING TECHNOLOGIES & ECONOMIC DEVELOPMENT

MAY 21 2005

Reported favorably _____

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time

Ordered not printed

Laid before the Senate

MAY 24 2005

Senate and Constitutional Rules to permit consideration suspended by (unanimous consent) _____ yeas, _____ nays)

MAY 24 2005

Read second time, Amended, and passed to third reading by (unanimous consent)

MAY 24 2005

Paragraph 1 of 3rd reading reconsidered by viva voce vote (a viva voce vote) _____ yeas, _____ nays)

MAY 24 2005

Paragraph 2 adopted by viva voce vote
Passed to 3rd reading again by viva voce vote
Senate and Constitutional 3 Day Rules suspended by a vote of 31 yeas, 0 nays

MAY 24 2005

Read third time, _____, and passed by 31 yeas, 0 nays

May 26, 2005

Returned to the House

Anthony Spaw
SECRETARY OF THE SENATE

OTHER SENATE ACTION:

MAY 2 4 2005 Returned from the Senate (~~as substituted~~)
(with amendments)

MAY 2 6 2005

House concurred in Senate amendments by a (~~record~~) vote of 134 yeas, 9 nays, 2 present, not voting)

MAY 2 7 2005

House refused to concur in Senate amendments and requested the appointment of a conference committee by a (non-record vote) (~~record vote~~) of yeas, nays, present, not voting

MAY 2 7 2005

House conferees appointed: Krusell, Chair; Gerem,
Hartnett, Martinez-Fischer, Kee

MAY 2 8 2005

Senate granted House request. Senate conferees appointed: Ogden, Chair;
Carona, Estes, Madala, Williams

MAY 2 9 2005

Conference committee report adopted (rejected) by the House by a record vote of
135 yeas, 7 nays, 1 present, not voting

MAY 2 9 2005

Conference committee report adopted (~~rejected~~) by the Senate by a record vote of
31 yeas, 10 nays

05 MAY 24 AM 1:18

HOUSE OF REPRESENTATIVES

05 APR 14 AM 8:26

HOUSE OF REPRESENTATIVES